

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

JAYLAN AMIR THOMAS and ARMIA
TIMMONS

Defendants.

NO. CR23-056-RSM

ORDER CONTINUING TRIAL AND
EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT

This matter comes before the Court following a status conference requested by defense to discuss scheduling. ECF 19. The current trial date is July 17, 2023. Defense counsel has stated that they will not be prepared for trial by that date. The Government does not oppose a continuance. Defendants Armia Timmons and Jaylan Amir Thomas informed the Court through counsel that they both oppose any continuance of the trial date and demand a speedy trial. The Court held a status conference on June 22, 2023, where it heard from defense counsel and counsel for the Government.

Ms. Timmons was present on the telephone, having waived physical presence through counsel. The Court confirmed that Ms. Timmons could hear the proceedings and could participate by unmuting herself. Mr. Thomas waived his presence at the hearing through counsel, but he provided counsel directions on how to proceed on his behalf. The Court accepts both defendants' waivers.

1 The Court, having reviewed the record and files in this case and after a
2 consideration of all relevant information and the circumstances of this case, finds that the
3 ends of justice will best be served by continuing the trial date to March 18, 2024. The
4 ends of justice outweigh the best interests of the public and the defendants in having the
5 matter brought to trial sooner. Any and all period of delay resulting from this
6 continuance, from the date of this Order to the date of the rescheduled trial, shall be
7 excludable time pursuant to Title 18, United States Code, Section 3161(h)(1)(F) and
8 (h)(8)(A).

9 In support of this order, the Court makes the following findings:

10 1. On April 19, 2023, the Grand Jury returned an eleven-count indictment
11 charging Mr. Thomas and Ms. Timmons with one count of conspiracy to commit wire
12 fraud and ten counts of wire fraud.

13 2. The indictment charges that Mr. Thomas and Ms. Timmons worked
14 together to rent hundreds of pieces of equipment from Victim Company 1 (VC1) under
15 false and fraudulent pretenses. It further alleges that Mr. Thomas used debit cards
16 provided by Ms. Timmons to rent the equipment, while keeping a low-dollar value in the
17 bank accounts to thwart VC1's efforts to recover the value of the property.

18 3. It further alleges that Mr. Thomas provided false identification and false
19 telephone numbers to VC1 to secure the rentals. The indictment alleges that Mr. Thomas
20 and Ms. Timmons then absconded with the equipment and worked together to sell it on
21 online marketplaces such as OfferUp. The alleged scope of the fraud is large, with a loss
22 exceeding \$800,000. The maximum penalties include 20 years in prison.

23 4. Federal agents arrested Mr. Thomas and Ms. Timmons on the indictment in
24 Los Angeles in early May, 2023. Mr. Timmons made her first appearance in this district
25 on May 16, 2023. At the arraignment, the Court set trial for July 17, 2023, with a pretrial
26 motions deadline of June 6, 2023.

1 5. The Government did not move for detention, and Ms. Timmons was
2 released on pretrial bond with minimal conditions.

3 6. Mr. Thomas was ordered detained following an initial appearance in Los
4 Angeles. He arrived in the Western District of Washington on June 15, 2023, counsel was
5 appointed, and he made his initial appearance in the district on June 16.

6 7. The Government moved for detention as to Mr. Thomas, and Mr. Thomas
7 was ordered detained following a hearing on June 21, 2023.

8 8. The Government provided each defendant discovery at their respective
9 arraignments.

10 9. The Government represented to the Court at the June 22 status conference
11 that the discovery is extensive, reflecting the complex nature of the underlying charges
12 and investigation.

13 10. For example, the Government represents that it has provided each
14 defendant more than 55,000 Bates-stamped pages of discovery. Much of this consists of
15 business records from VC1 that include, but are not limited to, receipts, rental
16 agreements, and CCTV footage. The discovery also includes voluminous bank account
17 records. The Government has provided many records in native format, so the Bates
18 stamps understates the total volume of discovery.

19 11. The Government communicated to defense counsel that it has digital
20 devices in its possession, and its search of those devices is ongoing. It will promptly
21 provide discovery from those devices consistent with its discovery obligations.

22 12. Defense counsel have represented that they will not be prepared to proceed
23 to trial on July 17, 2023. The Court finds that this is not for lack of diligence on either
24 counsels' part.

25 13. Counsel for Ms. Timmons was first appointed in early May 2023. He had a
26 trial at the end of that month that took approximately one week.

1 14. Counsel for Mr. Thomas was first appointed on June 14, 2023, just one
2 month before the existing trial date (and approximately one week after the pretrial
3 motions deadline already passed).

4 15. Given the volume of discovery, the complexity of the case, and the recency
5 of both counsels' appointments, it is understandable that counsel would need additional
6 time to prepare an effective defense.

7 16. The Court further finds that the period of delay is reasonable. The
8 discovery in this case is unusually complex and will take time to review and analyze.
9 That analysis must be complete well in advance of trial to prepare for any pretrial
10 motions, expert disclosures, or other investigation. Given these complexities, a March 18,
11 2024 trial date is appropriate.

12 The COURT therefore FINDS, that the ends of justice will best be served by a
13 continuance and outweigh the best interests of the public and the defendants in a speedy
14 trial, within the meaning of 18 U.S.C. § 3161(h)(7)(A);

15 The COURT FINDS, that the failure to grant such a continuance in this case
16 would likely result in a miscarriage of justice because the defendants would be denied the
17 reasonable time necessary for effective preparation, taking into account the exercise of
18 due diligence. 18 U.S.C. § 3161(h)(7)(B)(i) and (iv);

19 The COURT FINDS, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii), that the case is so
20 unusual and complex, due to the nature of the prosecution, and the volume of discovery
21 that it would be unreasonable to expect adequate preparation for trial within the time
22 limits established by 18 U.S.C. § 3161 et seq.; and

23 The COURT FINDS that pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv),
24 that the period of delay is reasonable.

25 Therefore, it is hereby
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27

1 ORDERED that the Request to Continue the Trial Date is GRANTED. The
2 Pretrial Motions Cut Off Date is continued to February 2, 2024. Responses to motions
3 shall be due two weeks after the Pretrial Motions Cut Off date. The Trial Date is
4 continued to March 18, 2024.

5 Based on these findings it is ORDERED that the period of delay from the date of
6 this Order through March 18, 2024, is excludable time pursuant to Title 18, United States
7 Code, Section 3161 et seq., for purposes of computation of the time limitations imposed
8 by the Speedy Trial Act, Title 18, United States Code, Section 3161 through 3164.

9
10 DATED this 23rd day of June, 2023.

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13 RICARDO S. MARTINEZ
14 UNITED STATES DISTRICT JUDGE
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16

17 PRESENTED BY:

18 s/ Lauren Watts Staniar

19 LAUREN WATTS STANIAR
20 Assistant United States Attorney
21

22 s/ Jesse Cantor

23 JESSE CANTOR
24 Attorney for Armia Timmons
25

26 s/ Michael Martin

27 MICHAEL MARTIN
Attorney for Jaylan Thomas